83-6166

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SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

1984

NO.

Joan A. Pope et al, Petitioners

vs.

JOLIET FEDERAL SAVINGS AND
LOAN ASSOCIATION Respondants

APPEAL TO THE

UNITED STATES SUPREME COURT

FROM

THE ILLINOIS SUPREME COURT

Joan A. Pope, Pro Se
491 Falcon Ridge Way
Bolingbrook, Illinois 60439
(312) 739-1799

IN THE UNITED STATES SUPREME COURT

JOAN A. POPE ET AL	)	
	)	
Petitioner-Appellants-Defendants	)	
	)	Circuit Court 83CH291
verses	)	
	)	Illinois Appellate Court3-83-0521
JOLIET FEDERAL SAVINGS AND LOAN ASSOCIATION,	)	
	)	Illinois Supreme Court #59228
	)	
Respondent-Appellee-Plaintiff	)	United States Supreme Court
	)	

NOTICE OF FILING

PLEASE TAKE NOTICE that on this 14th day of Janurry, 1984, the Petitioners-Appellants-Defendants, Joan A. Pope et al, filed their APPEAL IN THE UNITED STATES SUPREME COURT from the SUPREME COURT OF ILLINOIS.

Respectfully submitted:

Joan A. Pope

Joan A. Pope, Pro Se
491 Falcon Ridge Way
Bolingbrook, Illinois 60439
(312) 739-1799

SUBSCRIBED AND SWORN TO
Before me this _____

_____

_____
NOTARY PUBLIC

REASONS FOR APPEAL

The Petitioners-Appellants-Defendants, Joan A. Pope et al, believes that an American citizen has the right to demand their rights as secured to them by the Constitution for the United States. Therefore the Petitioners-Appellants-Defendants must look to the protector of our Constitution for protection as the State Courts have been unwilling to adhere to the Law of the Land, the Constitution for the United States.

In support of the Framers of the Constitution, the Petitioners so states the following:

The Federalist Papers: Number 44: James Madison

The extension of the prohibition to bills of credit must give pleasure to every citizen, in proportion to his love of justice and his knowledge of the true springs of public prosperity. The loss which America has sustained since the peace from the pestilent effects of paper money on the necessary confidence between man and man, on the necessary confidence in the public councils, on the industry and morals of the people and on the character of republican government, constitutes an enormous debt against the States chargeable with this unadvised measure, which must long remain unsatisfied; or rather an accumulation of guilt, which can be expiated no otherwise than by a voluntary sacrifice on the altar of justice of the power which has been the instrument of it. In addition to these persuasive considerations, it may be observed that the same reasons which show the necessity of denying to the States the power of regulating coin, prove with equal force that they ought not to be at liberty to substitute a paper medium in the place of coin. Had every State a right to regulate the value of its coin, there might be as amny different currencies as States, and thus the intercourse among them would be impeded; retrospective alterations in its value might be made, and thus the citizens of other States be injured, and animosities be kindled among the States themselves. The subjects of foreign powers might suffer from the same cause, and hence the Union be discredited and embroiled by the indiscretion of a single member. No one of these mischiefs is less incident to a power in the States to omit paper money, than to coin gold or silver. The power to make anything but gold and silver a tender in payment of debts is withdrawn from the States, on the same principle with that of issuing a paper currency.

Also see attached Brief entitled "MEMORANDUM OF LAW"
as it is a legal part of this petition

OPINIONS BELOW

As of this date there has been no opinions of any Court reported or entered. The Appellate Court of Illinois dismissed the Petitioners appeal with no opinion. The Supreme Court of Illinois denied the Petitioners Appeal with no opinion. The Petitioner has attached all of the papers (copies from the file) in chronological order in this petition.

JURISDICTION

The Supreme Court of Illinois denied the Petitioners Appeal on December 6, 1983. This Appeal has been filed within the 90 days to the Supreme Court of the United States. The Supreme Court has jurisdiction over the constitutional issues involving Article I, Section 10, Clause I, of the United States Constitution covering powers limited to the States.

QUESTIONS PRESENTED

A) Can the State Compel the Petioners-Appellants-Defendants, Joan A. Pope et al, to the use of a paper currency when the Petitioners-Appellants-Defendants, Joan A. Pope et al, have strongly and consistantly objected?

B) Isn't there a WANT of Jurisdiction to enforce a judgement for WANT of (inhand) Lawful money of the United States (as per ARticle I, Section 10, Clause 1 of the Constitution for the United States.)?

C) If an American citizen has relied on the United States Constitution with appropriate case law, can the State of Illinois compel the American citizen to disobey the Constitution?

STATEMENT OF PROCEEDINGS

Please see attached REPORT OF PROCEEDINGS

*Please take Notice that all pleadings, orders, etc. will be sent ~~next week under seperate cover~~.

IN THE SUPREME COURT OF ILLINOIS

Case - Supreme Court #59228
Circuit Court #83CH291
Appellate Court #3-83-0521

REPORT OF PROCEEDINGS

AFFIDAVIT

I, Joan A. Pope, of the city of Bolingbrook, county of Will, and state of Illinois being duly sworn, deposes and says that

I am Joan A. Pope, I reside at 491 Falcon Ridge Way, Bolingbrook, Illinois 60439 and

the following are stipulated facts and if in 10 days there isn't any response or objection they will become stipulated facts.

1. On May 25, 1983, Joan A. Pope appeared before Judge Connor with an application to Proceed as a Poor Person and it was granted and signed by Judge Connor. After this being done I proceeded to the Circuit Clerks Office and filed papers entitled NOTICE OF JURISDICTIONAL DEFECT.

2. On July 11th, 1983, on the Defendants MOTION before the court I was not allowed to present my MOTION or NOTICE OF JURISDICTIONAL DEFECT, even though on that morning I, Joan A. Pope, did state to Judge Ewert after he said that there wasn't a Motion that the Defendant's NOTICE OF JURISDICTIONAL DEFECT was the MOTION. Reasons for not setting a hearing was not given.

3. On July 20, 1983, after retyping all my papers and putting a MOTION TO DISMISS IN SUPPORT OF NOTICE OF JURISDICTIONAL DEFECT, I appeared before Judge Thomas Vinson and he set the hearing for August 10, 1983. (This was the same MOTION that they wouldn't set for hearing on July 11th, 1983.) Also when I first was called before

before Judge Ewert on July 11, 1983, I explained and brought to his attention that papers from my file were missing and Mary Beth, the clerk in court verified what I said. I gave him papers to reconstruct my file and a few days later I, Joan A. Pope, filed an affidavit stating my case was in danger of becoming prejudice.

4. On August 10th, 1983, when I first went before the Judge, (Judge Thomas Vinson), I gave a MOTION FOR CONTINUANCE due to severe illness (high blood pressure) and I stated that I had been in the hospital the previous week. My motion was denied for no reason given-thereby depriving me of my Equal Protection under the law.

5. After giving my, Joan A. Pope et al, MOTION TO DISMISS IN SUPPORT OF JURISDICTIONAL DEFECT there wasn't any response whatsoever from the Plaintiff-Respondant's attorney, Mr. Craig Wright, so when Judge Thomas Vinson denied the MOTION TO DISMISS IN SUPPORT OF JURISDICTIONAL DEFECT the court did not properly acquire jurisdiction over the matter as jurisdiction is not prima facie. Therefore Judge Thomas Vinson has acted illegally and has compromised his role as an impartial referee in an adversary proceeding in his court by taking jurisdictionm without having any precedence or basis at law. The Court's reason for denying the Defendant-Petitioner's MOTION TO DISMISS IN SUPPORT OF JURISDICTIONAL DEFECT was <u>not</u> given. Also my (Defendants-Petitioners) Right to the Due Process of the Law was violated as there wasn't present at my hearing a Court Reporter. At the end of the hearing I asked the Judge to take and act on a MOTION TO CERTIFY THE REPORT OF PROCEEDINGS but he would not hear my Motion saying I had to give Mr.

Wright, Plaintiff-Respondant's attorney, notice and come back some other time. Than Judge Thomas Vinson and Mr. Wright, Joliet Federal Savings and Loan Association's attorney made an agreement to give the Defendants-Petitioners an extention of time of 19 days in which to file an answer to the complaint.

6. On August 11th and 12th, 1983 the Defendants-Appellants-Petitioners received papers entitled NOTICE, ORDER FOR DEFAULT, and and Affidavit. (Please see MOTION TO VACATE JUDGEMENT).

7. On August 15, 1983 at shortly after 8:30 A.M. before the Court Clerk in Room 305 of the Will County Courthouse Building, Joan A. Pope and daughter, Jennifer M. Schwass brought to the Clerk's attention that Mr. Wright, attorney for Plaintiff-Respondant, had not filed any papers mentioned in #6 with the Clerk's Office. Nor did Mr. Wright file any papers prior to appearing before Judge Ewert the morning of August 15, 1983. Therefore Mr. Wright has broken Rule 27 Section 3 of the Rules of Practice of the Circuit Court of Will County, Illinois, 12th Judicial circuit.

8. Before court convened on August 15, 1983, Joan A. Pope and her daughter, Jennifer M. Schwass appeared before the Court Clerk, Sylvia Stocker in the Courtroom in the Emco Building which is usually occupied by Judge Thomas Vinson. Ms. Sylvia Stocker was informed by the Defendants-Petitioners that they had filed a Notice of Appeal and a copy for the Judge was given to her along with an Affidavit. Ms. Stocker was also told that Mr. Wright, attorney for Joliet Federal Savings and Loan Association, had not filed any of the papers in the

Clerk's Office and that the Circuit Court did NOT have jurisdiction.

9. Jennifer M. Schwass returned to the Courtroom before Court began in Room 405A in the Emco Building on that morning of August 15, 1983 and she was a witness to what took Place. (please refer to Affidavit signed by Jennifer Schwass.)

10. On September 7, 1983, Judge Thomas Vinson ordered Defendants-Petitioner's WRITTEN INTERROGATORIES that were addressed to Judge Thomas Vinson and Sylvia Stocker quashed.

11. On August 23, 1983 the Appellate Court of Illinois, Third District asked Defendants-Petitioners to show cause on or before August 30, 1983 why the appeal should not be dismissed as a petition and an affidavit had not been filed with the Appellate Court. On August 25, 1983, Defendants-Petitioners, Joan A. Pope et al sent to the Appellate Court of Illinois their petition and affidavit that was granted on May 25, 1983 by Judge Connor and restated that they were proceeding under Supreme Court Rule 298 (b). Also several papers were sent with questions asking the Appellate Court to reply but the Appellate Court remained completely and mysteriously silent until September 8, 1983 when the court dismissed the Defendants-Petitioners appeal for not following the Supreme Court Rules. Please refer to paper entitled MOTION FOR REVERSAL NOTICE OF EXTREME PREJUDICE AND DEPRIVATION OF ESSENTIAL RIGHTS.

12. A Notice of Intent to appeal to the Supreme Court of Illinois was sent to the Appellate Court of Illinois, Third District on September 8, 1983.

13. On October 1, 1983 the Defendants-Petitioners, Joan A. Pope et al, sent to the Supreme Court of Illinois their Petition to Appeal as a Matter of Right.

14. Illinois Supreme Court denied our appeal with no opinion on December 6, 1983

And further this affiant says not.

15. On ~~December~~ January 9, 1984 the Supreme Ct. of Illinois denied our Motion for Stay of Mandate pending the filing and desperation of a petition for Writ of Certiorari in the Supreme Ct. of the U.S.

Respectfully Submitted,

Joan A. Pope

Joan A. Pope, Pro Se
492 Falcon Ridge Way
Bolingbrook, Illinois 60439
(312) 739-1799

16. Supreme Court of Illinois issued mandate to Appellate Court 3rd District on January 10, 1984.

SUBSCRIBED AND SWORN TO
Before me this 14th
day of Jan., 1984

Pamela R. Pawlek
NOTARY PUBLIC

CONCLUSION

The Petitioners-Appellants-Defendants, Joan A. Pope et al, further state that the money used to file this cause of action and the money loaned to the Petitioners-Appellants-Defendants, Joan A. Pope et al, was not denominated in gold or silver coin. Neither is it redeemable in gold or silver coin on demand. (Please see attached Admission of Facts-Exhibit j)

The Petitioners-Appellants-Defendants, Joan A. Pope et al, has presented to the United States Supreme Court, as best as they are able the Federal Questions involved with this case. Since the Petitioners-Appellants-Defendants, Jaan A. Pope et al, believes that they have governed their lives by adherence to the principles of the United States Constitution, they are obligated to expect that everyone else adhere to the same principles whether it be an individual, business or government. Acceptance of this Appeal will signify a decision for a nation governed by laws.

January 14, 1984

Joan A. Pope

Joan A. Pope, Pro Se

Joan A. Pope, Pro Se
491 Falcon Ridge Way
Bolingbrook, Illinois 60439
(312) 739-1799

STATE OF ILLINOIS

OFFICE OF

CLERK OF THE SUPREME COURT

SPRINGFIELD

62706

JULEANN HORNYAK
CLERK

January 9, 1984

TELEPHONE
AREA CODE 217
782-2035

Ms. Joan A. Pope
491 Falcon Ridge Way
Bolingbrook, IL 60439

THE COURT HAS THIS DAY ENTERED THE FOLLOWING ORDER IN THE CASE OF:

No. 59228 - Joliet Federal Savings and Loan Association, respondent, vs. Joan A. Pope, et al., petitioners.

The motion by petitioners for stay of mandate pending the filing and disposition of a petition for writ of certiorari in the Supreme Court of the United States is denied.

cc: Wright & Babcock

JH/dem

JULEANN HORNYAK, CLERK

59228

ILLINOIS SUPREME COURT
JULEANN HORNYAK, CLERK
SUPREME COURT BUILDING
SPRINGFIELD, ILL. 62706
(217) 782-2035

December 6, 1983

Ms. Joan A. Pope
491 Falcon Ridge Way
Bolingbrook, IL 60439

No. 59228 - Joliet Federal Savings and Loan Association, respondent, vs. Joan A. Pope, et al., petitioners. Leave to appeal, Appellate Court, Third District.

The Supreme Court today DENIED the petition for leave to appeal in the above entitled cause.

The Mandate in this cause will be issued to the appropriate Appellate Court on December 28, 1983.

Very truly yours,

Juleann Hornyak

Clerk of the Supreme Court

IN THE SUPREME COURT OF THE UNITED STATES

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SUPREME COURT, U.S.

83-6166

ORIGINAL

JOAN A. POPE ET AL,

Petitioners

vs.

JOLIET FEDERAL SAVINGS AND LOAN ASSOCIATION,

Respondant

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

The petitioner, Joan A. Pope, asks leave to file the attached petition for writ of certiorari without prepayment of costs and to proceed in forma pauperis. Petitioner has previously been granted leave to so proceed in the Circuit Court of Will County, Twelfth Judicial Circuit. Petitioners' affidavit in support of this motion is attached hereto.

Joan A. Pope

Joan A. Pope, without councel
491 Falcon Ridge Way
Bolingbrook, Illinois 60439
(312) 739-1799

RECEIVED
JAN 30 1984
OFFICE OF THE CLERK
SUPREME COURT, U.S.

AFFIDAVIT

I, Joan A. Pope, being first duly sworn according to law, depose and say that I am the petitioner in the above-entitled case; that in support of my motion to proceed without being required to prepay fees, costs or give security therefor, I state that because of my poverty I am unable to pay the costs of said case or to give security therefor; and that I believe I am entitled to redress.

I further swear that the responses which I have made below relating to my ability to pay the cost of proceeding in this Court are true.

1. I have had no steady income since December, 1978 as than I became extremely ill with high blood pressure problems and have been unable to work full time because of this problem and because I have the responsibility of two (2) pre-school age children, Thomas W. Pope II - age 3 years and Julie A. Pope - age 4 years.

2. My husband, Thomas E. Pope, was laid off work several times in the past few years and We were forced to live off savings, and we had to borrow funds, and all our assets are depleted.

3. I own no insurance policies with any cash value.

4. I own no stocks, bonds, or securities.

5. ~~Since~~ On November 23, 1983 the Bolingbrook Police forced my husband, Thomas E. Pope, to move out of our home because of alcoholic related child abuse on his part and since that time he has not been very reliable about his obligations to me or his children. We are now receiving food stamps and food from the church in order for me and my children to survive.

6. The following are my children and are dependant upon me for their support:

Thomas W. Pope II - age 3 years
Julie A. Pope - age 4 years
Jennifer M. Schwass age 14 years

7. I believe that Title: 28, Section: 1915 of the United States Code empowers the court to pay every cent of Joan A. Pope's expenses from the intitial filing fee to court reporter's fee to the expense of the record to the final attorney's fee following the Supreme Court argument.

8. I believe that the Fourteenth Amendment to the Constitution of the United States entitles citizens of the state of Illinois to the privileges as citizens of the United States of America. Article: 12, Section: 1 of the Amendments to the Constitution for the United States says:

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its juridiction the equal protection of its laws."

I understand that a false statement in this affidavit will subject me to penalties for perjury.

Joan A. Pope

Joan A. Pope, Petitioner
491 Falcon Ridge Way
Bolingbrook, Illinois 60439
(312) 739-1799

SUBSCRIBED AND SWORN TO
Before me this 26th day
of January 1984

Phyllis Gallant
NOTARY PUBLIC

My Commission Expires Dec. 20, 1986